

## Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§4–103.

(a) (1) A county or municipality may issue grading and building permits as provided by law.

(2) A grading or building permit may not be issued until the developer:

(i) Submits a grading and sediment control plan approved by:

1. The appropriate soil conservation district;

2. A municipal corporation in Montgomery County that is designated under paragraph (4) of this subsection; or

3. The Department, if the property that is the subject of the grading or building permit is, or is included in, a large redevelopment site; and

(ii) Certifies that all land clearing, construction, and development will be done under the plan.

(3) (i) Except for large redevelopment sites, criteria for sediment control and the procedure for referring an applicant to the appropriate soil conservation district shall be acceptable to the soil conservation district and the Department of the Environment.

(ii) For large redevelopment sites, criteria for sediment control shall be determined by the Department and shall be as protective of the environment as the criteria required under subparagraph (i) of this paragraph.

(4) A soil conservation district may delegate approval authority of a grading and sediment control plan to a municipal corporation in Montgomery County that:

(i) Has its own sediment control review provisions that are at least as stringent as the provisions of the grading and sediment control plan of the soil conservation district;

(ii) Issues sediment control permits; and

(iii) Meets the necessary performance standards established by written agreement between the district and the municipal corporation.

(b) Each county or municipality shall adopt grading and building ordinances necessary to carry out the provisions of this subtitle, with the assistance of the Department of the Environment and the appropriate soil conservation district.

(c) Each soil conservation district may recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8-311 of the Agriculture Article, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (1) be used to reduce county or State funds, and (2) exceed the cost of reviewing the plans.

(d) Each soil conservation district shall require an applicant for grading and sediment control plan approval to submit a sufficient number of copies of the plan to enable the district to forward copies of the plan to appropriate State and local agencies. Where enforcement authority has been retained by the Department of the Environment, each district shall forward 1 copy of each approved plan to the Department of the Environment immediately upon approval.

(e) (1) Notwithstanding any other provision of State law or local ordinance, it shall be the sole responsibility of the Department to enforce compliance with the provisions of this subtitle and of any approved plan, except in those counties and municipalities to which enforcement authority has been delegated in accordance with paragraph (2) of this subsection.

(2) (i) 1. The Secretary of the Environment shall delegate enforcement authority under this subtitle to any county or municipality which is found capable of enforcing compliance with the provisions of this subtitle, or is found to have enforcement capability within that jurisdiction which is comparable to that of the Department in terms of laws and procedures, manpower, equipment, and overall effectiveness.

2. The Secretary may delegate a specific portion of the enforcement authority under this subtitle to a county or municipality.

3. The Secretary may not deny a requested delegation unless opportunity has been afforded to the appropriate officials of the affected local jurisdiction to present arguments before the Secretary.

(ii) A delegation pursuant to this paragraph shall be effective for not more than 2 years, unless renewed by the Secretary.

(iii) Every such delegation shall be subject to suspension by the Secretary, after opportunity is afforded for a hearing, upon a finding that the county or municipal program has fallen below the standard of comparable effectiveness. During a period of suspension, the Department shall enforce compliance in the affected jurisdiction.

(iv) Any county or municipality requesting either delegation of enforcement authority or renewal of delegation under this subtitle shall submit the request to the Secretary on or before October 1 immediately preceding the fiscal year for which delegation or renewal of delegation is sought.

(v) On or before January 1 of the year during which delegation is sought by a county or municipality, the Secretary shall:

1. Grant the request;
2. Deny the request; or
3. Delegate a specific portion of the enforcement authority under this subtitle.

(f) (1) Subject to paragraph (2) of this subsection, the Secretary, by contractual agreement, may authorize a soil conservation district to inspect sites for compliance with approved sediment control plans.

(2) The Secretary may not authorize a soil conservation district to inspect sites over which a county or municipality has been delegated enforcement authority under subsection (e) of this section.

(3) (i) A district authorized to perform inspections under this subsection may establish a fee system providing for the assessment and collection of inspection fees on all sites in the district with approved plans.

(ii) The fees shall be based on the reasonably anticipated cost of inspections to be performed under the contractual agreement.

(iii) The district shall not assess and collect fees in a jurisdiction which has been delegated enforcement authority by the Secretary.

[\[Previous\]](#)[\[Next\]](#)